IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16750 of 2004

Between:

V.V.Raghava Reddy S/o.V.Venka Reddy
R/o. Kapu Street, Nellore.

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep. by its Commissioner and Director of Marketing, AP,Hyderabad.
2 The Executive Engineer (Marketing) Agrl.Marketing Committee, Guntur, Guntur District.
3 The Chairman Cum Personnel Incharge Agrl.Market Committee, Kavali, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of the respondents in not releasing the bill amount of Rs.6,16,341/- of the first phase work done by the petitioner and also an amount of Rs.3,00,000/- for the second phase of work done by the petitioner pursuant to the agreement no 15/2004-2004 dated 29.5.2003 as illegal, improper , unjust, arbitrary and contrary to law and consequently direct the respondents to finalize the bill amount of Rs.9,16,341/- with interest at the rate of 18% per annum for the work done in the first phase and in the second phase by the petitioner herein.

Counsel for the Petitioner :MR. K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR AGRICULTURE AND COOPERATION.

counsel for Respondent No.3: MR.K.MADHAVA REDDY(SC FOR AMC)

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16750 OF 2004

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The petitioner was entrusted with the work relating to the construction of R.C.C. Rural Garden No.1000 MT capacity under GBY Scheme in the market yard of Agricultural Market Committee of Kavali. The petitioner states that as per the terms of the agreement, he commenced the work and completed the first phase of the RCC Godown upto lentil level. The second respondent has deputed his subordinates and got measured and check measured the work done by the him basing on the entries in the M-Book and the second respondent also prepared the bill on 29-11-2003 and submitted the same to the third respondent. The only grievance of the petitioner is that even after submission of the first phase bill by the second respondent to the third respondent and in spite of the fact that thereafter the petitioner has also completed

80% of the work in the second phase, the third respondent has not released the bill amount so far. Though the petitioner issued several notices, there was no response. Hence, this writ petition seeking a declaration that the action of the respondents in not releasing the bill amount of Rs.6,16,341/- of the first phase work and also a sum of Rs.3,00,000/- for the second phase of work done by the petitioner pursuant to the Agreement No.15/2003-04 dated 29-05-2003 as arbitrary and illegal.

Having heard the learned Counsel for the petitioner and on a perusal of the material on record and particularly keeping in view the assertion of the petitioner that he has already completed the first phase work, and also the 2nd phase work to certain extent without expressing any opinion with regard to the entitlement of the petitioner for payment of the amounts as claimed. I deem it appropriate to dispose of the writ petition with a direction to the respondents to finalise the bills submitted by the petitioner and effect the payments if any amounts are due and payable to the petitioner with reference to the work entrusted to him under the Agreement dated 29-05-2003 within a period of four weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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06th October, 2004.

Note:- CC in one week.

(B/O)

gbs

To

1 The Commissioner and Director of Marketing, Government of Andhra Pradesh, AP,Hyderabad.
2 The Executive Engineer (Marketing) Agrl.Marketing Committee, Guntur, Guntur District.
3 The Chairman Cum Personnel Incharge Agrl.Market Committee, Kavali, Nellore District.

4.2CCs to G.P. for Agriculture, High Court of AP Bldgs, Hyderabad (OUT).

5.2CD copies